

**IN THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

State of Texas,

Plaintiff,

v.

United States Department of Health and Human Services; Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services; and Melanie Fontes Rainer, in her official capacity as Director of the Office for Civil Rights of the United States Department of Health and Human Services,

Defendants,

and

City of Columbus, Ohio; City of Madison, Wisconsin; and Doctors for America,

Intervenor-Defendants.

Civil Action No. 5:24-cv-00204-H

INTERVENOR-DEFENDANTS' [PROPOSED] MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Intervenor-Defendants the City of Columbus, Ohio, the City of Madison, Wisconsin, and Doctors for America, upon the accompanying Memorandum of Law in Support of Intervenor-Defendants' Motion to Dismiss Or, In the Alternative, for Summary Judgment ("Memorandum of Law"), by and through their undersigned counsel, respectfully move this Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing all claims in their entirety asserted against Defendants. In the alternative, the Court should enter judgment for Defendants under Federal Rule of Civil Procedure 56(a). Each of the matters required by Rule 56(a) and Local Rule 56.3 are set forth in the Memorandum of Law.

Date: January 17, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ Jennifer R. Ecklund
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